

Chief Judge Richardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BENJAMIN RIEDESEL

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 2:21-cv-00033-RSM

STIPULATED MOTION FOR  
EXTENSION OF PRETRIAL DATE(S)

**Noted on Motion Calendar:  
November 12, 2021**

**JOINT STIPULATION**

This matter arises out of a bicycle versus stationary motor vehicle collision that occurred on November 27, 2019. The parties initially disclosed their respective experts on October 13, 2021. (Dkts. 13-14). Several weeks after initial expert disclosure, discovery revealed that Plaintiff's bicycle was equipped with head and taillight cameras, which have video recording capabilities. Plaintiff maintains that these cameras were inoperable and/or did not capture any audio or video footage on the date of the subject collision. In light of the foregoing, the parties hereby jointly STIPULATE AND AGREE to extend the October 13, 2021 deadline initially set for disclosure of expert witnesses to **December 13, 2021** for the specific and sole purpose of

allowing the United States to retain a forensic data retrieval expert to analyze the cameras and any internal memory storage devices. The parties further STIPULATE AND AGREE that any expert retained by the United States for this purpose will disclose his/her report (to the extent they qualify under Fed. R. Civ. P. 26(a)(2)(B)) on or before the extended deadline. Good cause exists for modification of this deadline given the new information obtained by the United States *after* the initial disclosure deadline set by the Court. *See* Dkt. 12. The parties have been diligent with respect to both fact and expert discovery to date, and the extension is sought for a very limited purpose: to verify that footage of the subject collision does (or does not) exist.

In addition to the aforementioned, counsel for the plaintiff, Greg Colburn, has requested an adjustment of the trial date to May 16, 2022. Unfortunately, when the Joint Status Report was prepared, Mr. Colburn did not realize that his family had a planned out-of-state trip. The timing of the family trip cannot be rescheduled. Mr. Colburn acknowledges that this was his error and is requesting a short adjustment to the trial date. To the extent the Court can accommodate the new date (or an alternative date close in time to the date proposed), the United States does not oppose Plaintiff's request.

Extension of the expert disclosure deadline referenced above and an adjustment of the trial date will not impact the remaining deadlines set forth in the Court's Order. These remaining dates are listed below for the Court's convenience.

| <u>Deadline</u>                               | <u>Current Deadline</u> | <u>Proposed New Deadline</u> |
|---|-------------------------|------------------------------|
| All dispositive motions must be filed by      | January 11, 2022        | N/A                          |
| All motions <i>in limine</i> must be filed by | March 14, 2022          | N/A                          |
| Agreed pretrial order due                     | March 30, 2022          | N/A                          |

|  |               |     |
|--|---------------|-----|
| Trial briefs, proposed findings of fact and conclusions of law, etc. due | April 6, 2022 | N/A |
|--|---------------|-----|

For the reasons set forth above, the parties believe that there is good cause to request an extension of the aforementioned deadline(s) and respectfully request that the Court grant their motion.

**SO STIPULATED.**

Dated this 10th day of November, 2021.

COLBURN LAW

s/ Gregory S. Colburn

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Attorney for Plaintiff

**SO STIPULATED.**

Dated this 10th day of November, 2021.

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Attorneys for Defendant United States of America

**ORDER**

**IT IS SO ORDERED.**

DATED this 15<sup>th</sup> day of November, 2021.



RICARDO S. MARTINEZ  
CHIEF UNITED STATES DISTRICT JUDGE